

RA Talking Points  
Arkansas Environmental Federation Conference – Hot Springs, AR  
Friday – October 27, 2017

#### Introduction

- Good morning.
- I want to thank the Arkansas Environmental Federation for inviting me to speak this morning.
- It's always a privilege to come out to Hot Springs to address the organization.
- Lots has changed since last year.
- But EPA's core objectives like protecting the air, water, and land have not.
- EPA has a new administrator in Scott Pruitt.
- Administrator Pruitt has focused on accomplishing EPA's core objectives through "cooperative federalism" and the "rule of law and process."
- Today, I'd like to talk about EPA's continued partnership with Arkansas' state agencies in providing folks here in Arkansas with clean air, land, and water.

#### Core Mission – Improve Air Quality

- We're working with ADEQ to improve air quality in the state.
- One of the things we're currently working together on is the **state's Regional Haze Implementation Plan**.
- Haze is caused when sunlight encounters tiny pollution particles in the air.
- Some light is absorbed by particles; other light is scattered away before it reaches the observer.
- More pollutants mean more absorption and scattering of light, which reduce the clarity and color of what we see.
- Some of the pollutants which form haze have also been linked to serious health problems and environmental damage.
- Exposure to very small particles in the air have been linked to increased respiratory illness, decreased lung function, and even premature death.
- Furthermore, particles such as nitrates and sulfates contribute to acid rain formation which makes lakes, rivers, and streams unsuitable for many fish, and erodes buildings, historical monuments, and paint on cars.
- Back in 2012, EPA partially approved and partially disapproved the state's Regional Haze Implementation Plan (SIP) and started a Federal Implementation Plan (FIP) so we've been working with the state to revise their SIP so we can take back the FIP, as we feel that states are best equipped to run their regional haze programs.
- ADEQ shared a draft of their Regional Haze SIP with us on October 13.
- EPA and ADEQ staff met on October 16 and 17 to discuss the draft and recommend revisions.
- We'll work with ADEQ on any remaining issues in the next few weeks to ensure that everything is resolved.
- We also recently awarded **\$409,936 to ADEQ to support the state's air pollution reduction program**.

- The grant supports attainment and maintenance of National Ambient Air Quality Standards in many of Arkansas' largest population centers.
- The state's program also helps reduce harmful emissions of toxic pollutants and the enforcement of air regulations in the state.
- Returning non-attainment areas to attainment for air quality is critically important, and this grant gives us a better understanding of the pollution sources that may be affecting air quality.
- Every year, EPA awards over \$4 billion in funding for grants and other assistance agreements nationwide.
- From small non-profit organizations to large state governments, EPA typically works to help many organizations achieve their environmental goals.
- With countless success stories over the years, EPA grants remain a chief tool in the advancement of public health and the environment.

#### Core Mission – Provide Clean and Safe Water

- In addition to improving air quality, we're also protecting water.
- We have and continue to work effectively and collaboratively with the Arkansas Department of Health (ADH), the state primacy agency, to ensure Safe Drinking Water Act compliance oversight of over 1,000 public water systems in Arkansas.
- ADH has contributed to the Region's 93% compliance rate on populations served by community water systems that are in compliance with health based standards.
- Moreover, ADH contributed to over 91% of the AR sanitary surveys completed for community water systems.
- As part of the Region's oversight role of the state, Region 6 continues to provide technical assistance and training, and conducts routine End of Year and Program File Reviews on ADH with respect to their SDWA implementation and data management.
- Later this year in November, the Region is scheduled to conduct sanitary survey training for ADH employees.
- The Safe Drinking Water Act Underground Injection Control Program is also delegated to the State, with EPA having oversight responsibility.
- The Arkansas Oil and Gas Commission effectively implements this program for approximately 1,100 oil and gas related injection wells in the state.
- ADEQ implements the program for around 200 non-oil and gas related injection wells and routinely exceeds many of EPA's recommended standards for this program.
- Back in June, EPA awarded a **water quality grant over \$650,000 in to ADEQ** to administer the state's water quality and ground water programs.
- Again, providing funds directly to the Arkansas is always a great example of how we partner with states to help address their unique and critical environmental challenges.
- The funding for this project aims to prevent, reduce, and eliminate water pollution through monitoring, standard-setting, Total Maximum Daily Load development, permitting, surface and ground water enforcement compliance activities, program management, and other water quality related activities.
- These pollution control programs support the goals of the Clean Water Act to protect rivers, lakes, bays, wetlands, and coastal waters.

### Core Mission – Revitalize Land

- Besides protecting air and water, we're collaborating with our partners to revitalize land.
  - One of our most successful programs is the **Brownfields** program which helps communities recycle vacant and abandoned properties for new, productive reuses.
  - The program provides communities with funding to assess, clean up, and redevelop contaminated properties, boost local economies and leverage jobs while protecting public health and the environment.
  - Our Brownfields program has worked with ADEQ to assess 354 properties for cleanup and redevelopment.
  - Out of those, 9 properties have been cleaned up and 265 acres have been made ready for reuse.
  - The program and ADEQ has leveraged \$47.9 million and created hundreds of jobs.
  - EPA provided funds in 2016 and 2017 for the restoration of the John Lee Webb House here in Hot Springs.
  - The John Lee Webb house was constructed around 1900 and was donated to the non-profit People Helping Others Excel By Example (PHOEBE) in June 2014.
  - PHOEBE started in 1997 to document the history of the African American community and its culture in Hot Springs.
  - PHOEBE is in the process of restoring the Victorian house to serve as its future cultural center and as a base for its "Uzun" Project Youth Institute, which works with youth ages 10-17 from low income and single parent homes to help develop leadership and communication skills.
  - Furthermore, we've worked with ADEQ and the City of Little Rock to redevelop 4 formerly neglected Main Street blocks in downtown Little Rock.
  - In 2014, these blocks were transformed into an arts district through the infusion of \$1.5 million in funds from the EPA Brownfields Revolving Loan Fund grant, historic tax credits, Federal Empowerment Zone, and technical assistance from EPA's Greening America's Capital program.
  - Additionally, we partnered with the City of Little Rock and Pulaski County to redevelop the grounds of the former Little Rock Veterans Affairs Hospital into a 1.42-acre campus to provide assistance to homeless families.
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- We also developed the Ready for Reuse (RfR) Program in 2002 as a long-term, corrective action "measure of success" for all EPA and state cleanup programs.
  - "Ready for Reuse" recognizes when a facility -- or portion thereof -- has been assessed and remediated to the extent that the property is safe for reuse or redevelopment.
  - The purpose of RfR is to promote expedited, yet protective cleanups. Ready for Reuse not only provides in-depth information regarding a property (historical use, cleanup actions taken, residual contaminants of concern, etc.), but also details the engineering and institutional controls required to ensure long-term remedy protectiveness.
  - In Arkansas, RfR Determinations have spanned several clean-up programs including RCRA Corrective Action, Voluntary Cleanup Program, Federal Facilities and Underground Storage Tanks.

- Since its inception, Arkansas has partnered with Region 6 on five RfR Determinations, including Fort Chaffee in Fort Smith (7000 acres) and the Heifer Project International in Little Rock addressing 28 acres.
- RfR Determinations have served as a positive communications tool for communities, providing comprehensive, understandable information regarding the environmental conditions on a property. RfRs have also proven instrumental in property transactions, by providing comfort to stakeholders, including financial institutions, developers, governmental agencies, etc.

#### Core Mission – Ensure Safety of Chemicals in the Marketplace

- Another one of our core missions is to ensure safety of chemicals in the marketplace.
- This includes herbicides for agricultural purposes.
- We've been working with the state on the Dicamba concerns.
- As many of you know, Dicamba is an active ingredient contained in certain herbicides.
- Herbicides containing Dicamba are registered for uses in agriculture, residential areas, and other sites to control broadleaf weeds and woody plants.
- Older product registrations include uses on cotton and soybeans, but are restricted to preplant and postharvest applications only.
- The product labels for those herbicides specify that restriction.
- Applications of Dicamba can result in residues on harvested crops and damage yields of non-target crops.
- Classic symptoms of Dicamba damage on non-tolerant soybean cultivars exhibit cupping of leaves and, in some cases, puckering of leaves as well.
- Late last year, EPA approved the conditional registration of 3 new Dicamba herbicide products.
- Despite the conditional approval of new Dicamba products with drift reduction agents and further use restrictions set in place prior to the 2017 growing season, some states reported high numbers of Dicamba complaints.
- Arkansas alone saw over 900 drift complaints and so the Arkansas State Plant Board (ASPB) is investigating these complaints.
- ASPB has determined that Dicamba will not be sold in the state after April 15, 2018 in order to give the soybean crop time to recover for maximum yields for the year.
- ASPB and Arkansas Cooperative Extension Service have been a participant in monthly phone calls between the Office of Pesticide Programs and many other states who have experienced drift complaints including Missouri, Indiana, Iowa, and North Dakota.
- We'll continue to work with Arkansas and all other states cooperatively to ensure that Dicamba and other chemicals concerns are addressed.

#### Cooperative Federalism

- All of the accomplishments I cited just now in providing clean air, water, land, and chemicals to folks here in Arkansas could not have been done without working cooperatively ADEQ and other state and local agencies.
- Some additional things we're doing to advance cooperative federalism are **streamlining and modernizing** our permit processes by reducing any unnecessary or duplicative reporting burdens that impede economic growth.

- A good example of cooperative federalism is our collaboration with the state on the **listing of impaired waters which has not been approved since 2008**.
  - Section 303(d) of the federal Clean Water Act calls for states to submit lists of impaired waters for EPA approval by April 1, every even-numbered year.
  - Upon receipt of such lists, EPA either approves or adds waterbodies to the states' lists based on readily available data and information.
  - For several years, EPA and ADEQ disagreed as to the status of several waterbodies which the state did not include on its impaired waters lists for 2010, 12, 14, or 16.
  - Taking a fresh approach to the 303(d) list review and approval process, EPA Region 6 recently accepted the state's listings for the past four cycles without addition of any waterbodies, and deferred action on waterbodies which the state agreed to further evaluate as to their impairment status.
  - As the result of Region 6 and ADEQ having agreed on a means of resolving backlogged 303(d) lists, and a pathway forward which includes further technical assessment for several waterbodies, ADEQ is now able to move ahead on a variety of key clean water actions including: reissuance of administratively continued permits; focusing limited monitoring resources in priority waterbodies; and, directing compliance and enforcement activities in areas which are most impacted.
  - Moreover, the Region's decision to consolidate action on all four lists reflects a focus on regulatory efficiency and transparency, while updating the status of more than 70% of the waterbodies listed in 2008 which no longer are designated as impaired.
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- Let me touch on the **Hurricane Harvey response** efforts in Texas for a moment because it also shows cooperative federalism in action.
  - We're still working with the Texas Commission on Environmental Quality to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas.
  - The TCEQ has approximately 500 people and EPA had as much as 57 people assisting in response to this natural disaster.
  - As part of this coordination, a Unified Command was established between the EPA, the TCEQ, the General Land Office, and the U.S. Coast Guard to oversee all emergency response efforts.
  - This Unified Command is supported by three operational branches in Corpus Christi, Houston, and Port Arthur.
  - In addition to the EPA, the TCEQ, the GLO, and the USCG, multiple agencies and groups supported each of the operational branches, including the Arkansas National Guard.
  - Branch personnel were working to continuously monitor water and wastewater systems, as well as assess spills or discharges as a result of the storm.
  - On September 13, Administrator Pruitt approved Texas' request to **waive requirements for fuels** through Oct 1 to help address the emergency.

- The waiver was for reformulated gasoline and low volatility gasoline in Texas, and also continues the previous waived requirement to use Texas Low Emission Diesel in 110 counties in Texas.
- The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry, at the request of Texas Commission on Environmental Quality Executive Director Richard Hyde and Texas Governor Greg Abbott.
- EPA and DOE determined that granting this short-term waiver was consistent with the public interest.
- All EPA approved fuel waivers have now expired.
- All of EPA's efforts are posted online to the public.

#### Rule of Law and Process

- Besides cooperative federalism, we're also focused on **Rule of Law and Process** in protecting public health and the environment.
- We're going to administer the laws as Congress intended them to be, to refocus the Agency on its statutory obligations under the law.
- EPA is also focused on **robust research and scientific analysis** to inform policy making.
- And we want to create **consistency and certainty**.
- We're going to outline exactly what is expected of the regulated community, to ensure good stewardship and positive environmental outcomes.
- By accomplishing these goals, we hope to **improve efficiency and effectiveness**.

#### Conclusion

- In conclusion, we've accomplished a lot and we couldn't have done this without working hand-in-hand with Director Keogh and ADEQ, state, and local partners.
- Today, folks here in Arkansas enjoy cleaner air, water, and land because we all work together cooperatively.
- EPA is focused on continuing to work with our partners and strengthening our bonds as we move forward to address other challenges.
- We're committed to our goals by focusing on cooperative federalism and the rule of law and progress.
- Thank you for your time.